REMARKS

Claims 1-5, 8-13, 15, 17 and 19-25 are pending in the application.

Claims 1-5, 8-13, 15, 17 and 19-25 are rejected.

Claims 2, 17, and 23 are canceled.

Claims 1, 3, 15, 19, 22, and 24 are amended.

Reconsideration and allowance of claims 1-5, 8-13, 15, 17 and 19-25 is respectfully requested in view of the following:

Responses to Rejections to Claims – 35 U.S.C. §102

Claims 1-5, 8, 15, 17 and 19-25 are rejected under 35 U.S.C. 102(e) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Moon et al (U.S. Patent No. 6,804,532) (Moon hereinafter). This rejection is not applicable to the amended claims.

Independent claims 1, 15, and 22 include similar recitations. For example, independent claim 1 recites, in part:

"…a first transceiver that supports wide area network wireless communications;

a second transceiver that supports local area network wireless communications;

a third transceiver that supports personal area network wireless communications;

an antenna system that is operable to enable communications using any of the first transceiver, the second transceiver, and the third transceiver; and

a selector coupled between the antenna system and each of the first transceiver, the second transceiver, and the third transceiver, wherein the selector is operable to:

<u>detect a communications transmission provided from a software application;</u>

<u>determine a transmission power being used to provide the communications transmission;</u> and

<u>connect one of the first transceiver, the second transceiver, and the third transceiver to the antenna system based upon the transmission power in order to provide communications for the software application.</u>" (emphasis added.)

The USPTO provides MPEP §2131 that: "To anticipate a claim, the reference must teach every element of the claim."

Therefore, to support these rejections with respect to independent claims 1, 15, and 22, Moon must contain all of the above-claimed elements. However, Moon does not disclose detecting a communications transmission provided from a software application, determining a transmission power being used to provide the communications transmission; and connecting one of a first transceiver, a second transceiver, and a third transceiver to an antenna system based upon the transmission power in order to provide communications for the software application, as recited by independent claims 1, 15, and 22.

The Office Action states that Moon teaches "connect the one or of the first transceiver, the second transceiver, and the third transceiver to the antenna system to enable communications based upon a power associated with transmitting the communications (column 10 lines 20-49, power requirement decides routing metric, which decides which network and transceiver to enable for communication, which leads to selector operation)." OA at pg. 3.

However, amended independent claims 1, 15, and 22 recite that the selector detects a communications transmission provided from a software application, determines a transmission power being used to provide the communications transmission; and connects one of a first transceiver, a second transceiver, and a third transceiver to an antenna system based upon the transmission power in order to provide communications for the software application. The cited section of Moon (10:20-49) discusses how "power requirements of the various possible communication links are typically not used as a metric since devices in wireline network are typically powered using AC outlets and since power requirements for most wireline communications links are similar. However, mobile station 20 may typically be powered using a battery or other limited source of power. In addition, the various wireless communications links with mobile station 20 may require varying amounts of power to maintain a connection and to communicate information. Therefore, router 130 may also use the power requirements of the possible communication links as a routing metric." The Applicants submit that this disclosure does not teach the software-application transmission-power -based connection of a transceiver to an antenna system of independent claims ,1 15, and 22.

The disclosure of Moon is directed to a method for re-routing communications based on link quality, 1:62-63. In operation, the system includes a mobile station 20 that continuously or intermittently monitors the availability and quality of various communications links available, 8:5-8, and using routing metrics to determine how to route packets through using those

communications links to provide the optimal path to a destination, 9:9-12. Moon defines their "routing metrics" as "a standard of measurement that is used by routing algorithms to determine the optimal path to a destination":, 9:10-12. The Applicants submit that the section of Moon cited by the Office Action (10:20-49) disclose power requirements as a routing metric with regard to the limited power supply of the mobile station 20 (e.g., "mobile station may typically be powered using a battery or other limited source of power"), and thus teach the use of power requirements of the communications links based on the <u>limited amount of power available to the mobile station 20</u> (i.e., a communication link is selected in Moon based on the amount of power available to the mobile station 20 – lower power communications links may be selected if the power available to the mobile station 20 is relatively low, while higher power communications links may be selected if the power available to the mobile station 20 is relatively high.) The Applicants submit that this does not teach the detection and use of a transmission power of a communications transmission by a software application to select a transceiver for use in communications, as recited by independent claims 1, 15, and 22.

Dependent claims 3-5 and 8 depend from and further limit independent claim 1, dependent claims 19-21 depend from and further limit independent claim 15, dependent claims 24 and 25 depend from and further limit independent claim 22, and all are submitted as allowable for at least the reasons discussed above.

As a result, the previous rejections based on 35 U.S.C. 102(b) cannot be supported by Moon as applied to claims 1, 3-5, 8, 15, 19-22, 24, and 25 .

Responses to Rejections to Claims – 35 U.S.C. §103

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moon in view of Gatherer et al (U.S. Patent Application Publication No. 2002/0065058) (Gatherer hereinafter). Claims 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moon. These rejections are not applicable to the amended claims.

As discussed above, Moon does not disclose detecting a communications transmission provided from a software application, determining a transmission power being used to provide the communications transmission; and connecting one of a first transceiver, a second transceiver, and a third transceiver to an antenna system based upon the transmission power in order to provide communications for the software application, as recited by independent claims 1, 15, and 22.

Gatherer is provided for its teaching of an antenna array, and thus does not disclose anything to remedy the deficiencies of Moon, discussed above. Thus, as dependent claims 9-13

and 8 depend from and further limit independent claim 1, all are submitted as allowable for at least the reasons discussed above

Therefore, independent claims 1, 15 and 22 and their respective dependent claims are submitted to be allowable.

In view of all of the above, the allowance of claims 1, 3-5, 8-13, 15, 19-22, 24, 25 is respectfully requested.

The amended claims are supported by the original application.

The Examiner is invited to call the undersigned at the below-listed telephone number if a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,

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